

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), yellow coal-tar dye had been mixed with the article so as to make it look like a product composed entirely or in large part of fresh orange juice, which is better and of greater value than the article was.

Misbranding, Section 403 (a), the designs on the bottle labels of a whole orange, a half orange, a drop of juice, and two leaves, and the label statements, "Healthful for adults and children. Orange Sun-y Juice—California Orange Drink * * * to Retain Freshness. A Fruit Juice Product * * * Sun-y Juice Citrus Products of Texas, Inc.," were false and misleading. The designs and label statements represented and suggested that the article was orange juice, or an article containing large quantities of orange juice which would provide the nutritional value of orange juice, whereas it contained only a small amount of orange juice and little or no vitamin C, which is one of the important nutritional factors of orange juice. Further misbranding, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient, since the presence of added phosphoric acid was not declared.

DISPOSITION: February 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

10707. Adulteration of fruit cake. U. S. v. Julius Spilke and Max Spilke (Spilke's Bakery). Pleas of guilty. Julius Spilke sentenced to 30 days' imprisonment; Max Spilke placed on 1 year's probation. (F. D. C. No. 17781. Sample Nos. 78286-F, 79779-F, 79877-F.)

INFORMATION FILED: March 21, 1946, Eastern District of New York, against Julius Spilke and Max Spilke, partners in the partnership, Spilke's Bakery, Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about November 9 and 10, 1944, from the State of New York into the States of Pennsylvania, West Virginia, and Virginia.

LABEL, IN PART: "Golden Harvest Fruit Cake Baked By Spilke's Bakery, Brooklyn, N. Y. [or "Distributed by Spaulding Bakeries Main Office: Bing-hamton, N. Y.," or "Baked for Affiliated Bakers Co.]."

NATURE OF CHARGE: Adulteration, Section 402 (a), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, scale insects, insect larvae, head capsules, rodent hair fragments, and hairs resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1946. Pleas of guilty having been entered, each defendant was sentenced to serve 60 days in jail. Max Spilke's sentence was to commence at once, and Julius Spilke's sentence was to commence on the termination of the sentence of Max Spilke. On May 17, 1946, Max Spilke's sentence was modified to the extent of his imprisonment to date, and he was ordered released. Julius Spilke was placed on 1 year's probation.

10708. Adulteration of fruit cake. U. S. v. 48 Cases * * *. (F. D. C. No. 19116. Sample No. 59604-H.)

LABEL FILED: February 14, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 4, 1945, by Universal Sales Service Associates, from New York, N. Y.

PRODUCT: 48 cases each containing 12 2-pound fruit cakes at Youngstown, Ohio.

LABEL, IN PART: "Waldorf Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10709. Adulteration of fruit cake. U. S. v. 35 Cases * * *. (F. D. C. No. 19115. Sample No. 59602-H.)

LABEL FILED: February 8, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 19, 1945, by Universal Sales Service Associates, from New York, N. Y.

PRODUCT: 35 cases each containing 12 2-pound fruit cakes at Butler, Pa.

LABEL, IN PART: "Waldorf Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: March 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10710. Adulteration of fruit cake. U. S. v. 28 * * *. (F. D. C. No. 18399. Sample No. 4903-H.)

LIBEL FILED: On or about November 16, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about August 6, 1945, by Stirling Bakers, from Mount Vernon, N. Y.

PRODUCT: 28 3-pound fruit cakes at Trenton, N. J.

LABEL, IN PART: "Alice Dodd Brandy and Wine Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: December 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10711. Misbranding of fruit cake. U. S. v. 224 * * *. (F. D. C. No. 18386. Sample Nos. 11084-H, 11085-H.)

LIBEL FILED: November 13, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 8, 1945, by the Friend Cake Baking Co., from Brooklyn, N. Y.

PRODUCT: 128 1-pound and 96 2-pound fruit cakes at Worcester, Mass. Examination showed the product to consist of fruit-type cake, with no noticeable odor or taste of rum or brandy. It contained a chemical preservative, sodium propionate.

LABEL, IN PART: "Pickwick Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette showing liquid pouring over a fruit cake from the spigot of a barrel labeled "Rum and Brandy," the designation "Rum and Brandy Fruit Cake," and the statements "a generous dousing of fine imported Rum and Brandy," borne on the labels, were false and misleading as applied to an article that contained little, if any, rum or brandy; and, Section 403 (k), the article contained a chemical preservative and failed to bear labeling stating that fact.

DISPOSITION: March 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

10712. Adulteration of bread and cake. U. S. v. R. J. Mrizek Co. Plea of guilty. Fine, \$200. (F. D. C. No. 19045. Sample Nos. 17490-H to 17493-H, incl., 17495-H.)

INFORMATION FILED: March 28, 1946, Northern District of Illinois, against R. J. Mrizek Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about August 3, 1945, from the State of Illinois into the State of Indiana.

LABEL, IN PART: (Bread) "Mrizek's Bohemian Rye [or "Dark Rye," or "Old Fashioned Potato Bread"]," or "R. J. Mrizek's Light Rye"; (cake) "This cake is made from best ingredients."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larvae, adult insects, insect fragments and parts, cast skins and head capsules of larvae, hairs resembling rodent hairs, a fly, and a maggot; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 8, 1946. A plea of guilty having been entered, the defendant was fined \$200.